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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,526	12/10/2001	Albert Dirmberger	16616-6	7663
7590	10/29/2003		EXAMINER	
Clifford W. Browning Woodard, Emhardt, Naughton, Moriarty & McNett Bank One Center/Tower 111 Monument Circle, Suite 3700 Indianapolis, IN 46204-5137			HO, THOMAS Y	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 10/29/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/016,526

### Applicant(s)

DIRNBERGER ET AL.

### Examiner

Thomas Y Ho

### Art Unit

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 28 August 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 17-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/03 has been entered.

### *Claim Objections*

Claim 20 is objected to because of the following informalities: the force-generating element and actuator are both indicated as numeral 50 in the claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 17-28 and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by Chioffi EP0965677.

As to claim 17, Chioffi discloses an apparatus for blocking and releasing a door lock of an electrical appliance, comprising: a blocking and release unit 8,13 having a blocking state [0037] for blocking a locked door lock A of an electrical appliance and a release state [0036] for enabling unlocking of the door lock A and comprising an actuator 8, which effects, upon

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activation (heating), a crossover from the release state to the blocking state [0036-0037] if the blocking and release unit 8,13 is in the release state and crossover from the blocking state to the release state [0042] if the blocking and release unit 8,13 is in the blocking state, and an emergency release unit 16,19,20 having an idle state (19,20 not actuated; see Figure 2) and a working state (19,20 actuated; see Figure 29,) and comprising an actuator 19, which maintains, in response to or in view of the crossover of the blocking and release unit 8,13 into the blocking state (see Figure 7), the emergency release unit 16,19,20 in the idle state (16,19,20 are maintained in the idle state until a control impulse is activated) and allows, in an abnormal operating state (the limitation "abnormal operating state" is a functional description and holds little patentable weight) of the electrical appliance, a crossover of the emergency release unit 16,19,20 from the working state (see Figure 9) into the idle state (see Figure 2), wherein the emergency release unit 16,19,20 in the event of the crossover from the working state into the idle state brings the blocking and release unit 8,13 into the release state [0038-0039].

The working state can be interpreted as any time the rocker 16 is NOT in the rest position of Figure 2, meaning the working state can be considered the whole range of movement of 16 coming out of idle state in Figure 2 to the position in Figure 9 and back again until just before entering idle state.

As to claim 18, Chioffi discloses the actuator 19 of the emergency release unit 16,19,20 is adapted for effecting a crossover from the idle state (see Figure 2) into the working state (see Figure 9).

As to claim 19, Chioffi discloses the emergency release unit 16,19,20 comprises a force-generating element 6 for effecting the crossover from the working state (see Figure 9) into the

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idle state (see Figure 2) [0039]. The spring 6 pushes slider 4 which in turn drives the rocker 16 from working state back into idle state.

As to claim 20, Chioffi discloses an apparatus for blocking and releasing a door lock of an electrical appliance, comprising: a blocking and release unit 8,13 having a blocking state for blocking a locked door lock A of an electrical appliance [0037] and a release state [0036] for enabling unlocking of the door lock A and comprising an actuator 8, which effects, upon activation, a crossover from the release state [0036] to the blocking state [0037] if the blocking and release unit 8,13 is in the release state and crossover from the blocking state to the release state if the blocking and release unit is in the blocking state [0042], and an emergency release unit 16,19,20 having an idle state (see Figure 2) and a working state (see Figure 9) and comprising a force-generating element 6,18 [0028,0039], which maintains, in response to or in view of the crossover of the blocking and release unit 8,13 into the blocking state, the emergency release unit 16,19,20 in the idle state (see Figure 2) and an actuator 19, which effects, in an abnormal operating state of the electrical appliance, a crossover of the emergency release unit 16,19,20 from the working state into the idle state, wherein the emergency release unit 16,29,30 in the event of the crossover from the working state into the idle state brings the blocking and release unit 8,13 into the release state [0039-0040].

As to claim 21, Chioffi discloses the emergency release unit 16,29,20 comprises an energy supply device for the actuator 19 of emergency release unit, which device is designed to supply energy to the actuator of emergency release unit for activating the latter in the even of abnormal operation of the electrical appliance [0038-0039].

As to claim 22, Chioffi discloses the force-generating element 6,18 is a spring.

As to claim 23, Chioffi discloses the blocking and release unit 8,13 assumes the blocking state by means of a working connection 4 to the door lock A in response to locking of the latter.

As to claim 24, Chioffi discloses the blocking and release unit 8,13 in a locked state of the door lock A assumes the blocking state in a controlled manner [0037].

As to claim 25, Chioffi discloses the blocking and release unit 8,13 assumes the release state in an operating state of the electrical appliance, for which an unlocking of the door lock is desirable and/or permissible [0038,0042].

As to claim 26, Chioffi discloses the emergency release unit 16,19,20 assumes the working state (any state where 16 is not in the position of Figure 2 is a part of the working state) by means of a working connection 4 to the blocking and release unit 8,13 in response to the crossover of the latter into the blocking state.

As to claim 27, Chioffi discloses the emergency release unit 16,19,20 assumes the working state in a controlled manner when the blocking and release unit 8,13 is situated in the blocking state [0038-0039] or before the blocking and release unit assumes the blocking state.

The working state can be interpreted as any time the rocker 16 is NOT in the rest position of Figure 2, meaning the working state can be considered the whole range of movement of 16 coming out of idle state in Figure 2 to the position in Figure 9 and back again until just before entering idle state.

As to claim 28, Chioffi discloses during normal operation of the electrical appliance the emergency release unit 16,19,20 assumes the idle state (see Figure 2) in response to the crossover of the blocking and release unit 8,13 from the blocking state into the release state.

As to claim 30, Chioffi discloses a release device 16 for the emergency release unit 16,19,20, which device dependence upon parameters characterizing an abnormal operating state of the electrical appliance allows a crossover of the emergency release unit into an idle state. The rocker 16 moves from idle state of Figure 2 into working state as it rotates out of idle state, and while in working state 16 contacts 13, and eventually, 16 is pushed back into idle state by spring 6 acting on slider 4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chioffi EP0965677 in view of Ostdiek USPN6036241.

As to claim 29, Chioffi discloses the actuator 19 of emergency release unit 16,19,20 is a solenoid. The difference between the claims and Chioffi is the claims recite the actuator is a heat-sensitive element, a thermoelement, or a wax motor. Ostdiek discloses a locking mechanism for an appliance similar to that of Chioffi. In addition, Ostdiek further teaches a wax motor in place of a solenoid as a safety feature that adds a minimal increase in cost. It would have been obvious to one of ordinary skill in the art, having the disclosures of Chioffi and Ostdiek before him at the time the invention was made, to modify the actuator of Chioffi to be a wax motor, as in Ostdiek, to obtain a wax motor actuator for the emergency release unit. In the combination, the solenoid 19 of Chioffi would be replaced by the wax motor 146 of Ostdiek.

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Upon actuation of the wax motor, the rocker 16 of Chioffi would engage the blocking and release member 8,13 to clear way for the slider 4 to move free of door lock A. The original solenoid 19 of Chioffi deactivates immediately upon contact with 8,13, which would allow for immediate opening of the lock as 6 pushes 4, which in turn pushes 16 back to idle position, as 16 is not pushed by the actuator arm. However, by using a wax motor, the linear actuator arm of the actuator would remain extended and slowly retracts, thus preventing spring 6 and slider 4 from immediately pushing 16 back to idle position, so 16 would delay the movement of slider 4 off of the lock A as the lower end of 16 would still be braced against a slowly retracting actuator arm. One would have been motivated to make such a combination because the ability to provide a safety feature at minimal cost increase would have been obtained, as taught by Ostliek (col.9, ln.1-20).

*Response to Arguments*

Applicant's arguments with respect to claims 17-30 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH

*J. J. Swann*  
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